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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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DERRICK SIMPSON,

Case No. 2:15-cv-00254-RFB-CWH

Plaintiff,

v.

ORDER

F. AGATONE, *et al.*,

Defendants.

Before the Court for consideration is the Report and Recommendation (ECF No. 16) of the Honorable Carl W. Hoffman, United States Magistrate Judge, entered September 5, 2018.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate.” 28 U.S.C. § 636(b)(1). A party may file specific written objections to the findings and recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is required to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); *see also* Local Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct “any review,” de novo or otherwise, of the report and recommendations of a magistrate judge. *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Pursuant to Local Rule IB 3-2(a), objections were due by September 19, 2018. No objections have been filed. The Court has reviewed the record in this case and concurs with the Magistrate Judge’s recommendations.

1 IT IS THEREFORE ORDERED that the Report and Recommendation (ECF No. 16) is
2 ACCEPTED and ADOPTED in full.

3 IT IS FURTHER ORDERED that:

- 4 • the portion of claim one alleging an excessive force claim will proceed against
5 Officer Spurling;
- 6 • the portion of claim one alleging a false arrest claim will proceed against Officer
7 Spurling and Officer Carter;
- 8 • Simpson's Fifth Amendment claim (claim two) against Officers Carter, Spurling,
9 Hatchett, Thomas, Agatone, Maldonado, and Clark County are dismissed, with leave
10 to amend;
- 11 • Simpson's Thirteenth Amendment claim (claim three) against Clark County and the
12 Las Vegas Metropolitan Police Department are dismissed, without leave to amend;
- 13 • Simpson's Sixth Amendment claim (claim four) against Clark County is dismissed,
14 with leave to amend;
- 15 • Simpson's Eighth Amendment claim (claim five) is dismissed, without leave to amend;
- 16 • Simpson's Fourteenth Amendment claim (claim six) against Spurling, Carter,
17 Maldonado, Hatchett, Agatone, Thomas, the LVMPD, and Clark County is dismissed,
18 with leave to amend; and
- 19 • this case is dismissed as to Naphcare for failure to state a claim, with leave to amend.

20 The Clerk of Court is directed to serve a copy of this Order upon Plaintiff.

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22 DATED this 16th day of October, 2018.

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25 RICHARD F. BOULWARE, II
26 UNITED STATES DISTRICT JUDGE
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